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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/902,515
Filing Date: July 09, 2001
Appellant(s): COLLINS, ROGER

Mark L. Watson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/24/2008 appealing from the Office action mailed 6/13/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

-- the Board's prior decision of a previous appeal of the present application made on 8/25/2006.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,293,379	CARR	3-1994
20020004821	TOGAWA et al	1-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. Claims 30, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US patent 5,293,379) in view of Togawa et al. (US 20020004821).

Carr teaches a method comprising:

- for Claim 30, receiving data an interface from a service; (column 4, lines 33-51)
- for Claim 30, identifying at the interface whether the data is an electronic mail (email) message or address book data; (column 6, line 64 to column 7, line 46; Figs. 4-6; The data are identified to include address information which are address book data in the collected header field and user data which are email message.)

-- for Claim 30, applying a first set of code words to encode data in the email message; (column 6, line 64 to column 7, line 46; Figs. 5-6; The user data are coded with a user data dictionary that has a first set of code words.)

-- for Claim 30, applying a second set of code words to encode the address book data. (column 6, line 64 to column 7, line 46; Figs. 5-6; The header fields including the address book data is coded with header dictionary that has a second set of code words.)

Carr teaches a system comprising:

-- for Claim 43, a service to provide messaging and groupware services; (column 4, lines 33-51)

-- for Claim 43, an interface, coupled to receive message data from the service, including a compression module to identify whether the message data is an electronic mail (email) message or address book data, apply a first set of code words to encode data in the email message and apply a second set of code words to encode the address book data; (column 6, line 64 to column 7, line 46; Figs. 4-6; See explanation above with regard to Claim 30.)

-- for Claim 46, wherein the interface further comprises a cache to store the message data. (column 4, lines 33-40; the RAM)

However, Carr does not teach explicitly that the feature of "an electronic mail (email) message corresponding to a user mailbox or address book data *corresponding to the user address book*".

Togawa teaches a method for emailing a message comprising:

-- wherein an electronic mail (email) message corresponds to a user mailbox and address book data corresponds to the user address book. (Figs. 1-3; paragraphs [0012]-[0016], [0088]-[0095]; Both message and address are associated with a user mailbox.)

It is desirable to manage received and sent emails in an organized way. It is well known that a mailbox approach is an effective and common approach for this purpose. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply Togawa's teaching to add mailbox in Carr's emailing system to store email message and address list, which is an address book, for later process because adding mailbox approach facilitates email process. The combination thus teaches:

-- identifying at the interface whether the data is an electronic mail (email) message corresponding to a user mailbox or address book data corresponding to the user address book.

(10) Response to Argument

Appellant's argument --

The pending claims 30, 43 and 46 were improperly rejected under 35 U.S.C. § 103(a) because the combination of Carr and Togawa does not disclose or suggest each and every feature of the pending claims. The combination of Carr and Togawa does not disclose or suggest identifying whether data is an electronic mail (email) message corresponding to a user mailbox or address book data corresponding to the user address book. Carr's method includes reformatting each data packet in the data processing system by associating its static fields with a first packet region and its dynamic fields with a second packet region. A single dictionary table

is created for all packet headers, while separate dictionary tables are created for each user-data portion of a packet-type experienced in the communication network thereby enabling better compression. Togawa discloses a mail system equipped with a mail address manager for managing a mail address or addresses of one or more destinations. Neither Carr nor Togawa disclose or suggest a process of identifying whether data is an email, message corresponding to a user mailbox or address book data corresponding to a user address book.

The Appellant particularly argued that neither reference discloses or suggests identifying whether data is an email message or address book data. Nowhere in the Examiner cited passage (Carr: column 6, line 64 to column 7, line 46) is there disclosed, or reasonably suggested, a process of identifying whether data is an email message or address book data. Specifically, the passage fails to disclose or suggest a process of distinguishing as to whether data is email message or address book data. In fact, there is no discussion of the term "address" in the passage.

Examiner's response --

Carr indeed teaches "*identifying whether data is an email message or address book data*" as indicated in the Final Office Action with referring to Carr's passage from column 6, line 64 to column 7, line 46 and *Figs. 4-6*. Figs. 4-6 are explicitly cited and Figs. 5-6 are also referred in the cited passage. The Appellant alleged that no discussion of the term "address" in the passage. The Examiner likes to point to "destination address" and "source address" in ETHERNET FRAMING and IP HEADER shown in Fig. 4 and "destination address" and "source address" in the STATIC AND SEMI-STATIC FIELDS in Fig. 5 to counter the argument. Figs. 4 and 5

clearly and explicitly show the term "address". It is to remind the Appellant that meanings or attributes associated with the terms, in other parts of Carr (US patent 5,293,379) or common known to an ordinary skill in the art, used in the cited passage need to be included in the interpretation of the passage.

The following is to answer how Carr teaches *"identifying whether data is an email message or address book data"*. As pointed out correctly by the Appellant that Carr reformats data structure shown in Fig. 4 into that shown in Fig. 5 and then compresses different kinds of data with different coding dictionary. Evidently the data of a whole email to be sent is separated into address information which are address book data and user data which are email message. It is obvious to an ordinary skill in the art that address information are by nature address book data, because they are derived from an electronic or paper address book of a sender, a receiver, or a public record. The address information (destination address and source address) are included in ETHERNET FRAMING and IP HEADER in Fig. 4 and in the STATIC AND SEMI-STATIC FIELDS in Fig. 5. The user data are specific email message written by the user for a particular subject. The user data are included in PACKET DATA field in Fig. 4 and in the USER DATA field in Fig. 5.

In the reformatting process from data structure of Fig. 4 to that of Fig. 5, when a packet of data has been received, the task of identifying the packet's type is commenced by examining the packet's type field. Reformatting the data structure of Fig. 4 to that of Fig. 5 is further explained with Fig. 7 and passage from column 7, line 47 to column 8, line 2 of Carr. Packet type is identified in step 52 of Fig. 7. In accordance with the identified packet type, the data of the format of Fig. 4 are written back to the format of Fig. 5 (block 56 of Fig. 7) for further

processes such as compression. ***In this process, "identifying whether data is an email message or address book data" has to be performed. Otherwise, the reformatting cannot be implemented.*** Evidently, Carr indeed teaches "identifying whether data is an email message or address book data"

In the Final Office Action, The Examiner concluded that Carr does not teach explicitly that the feature of "an electronic mail (email) message corresponding to a user mailbox or address book data *corresponding to the user address book*". As pointed out above, the address book data of Carr is not necessary corresponding to the user address book. To remedy the deficiency, the Examiner concluded that it would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply Togawa's teaching to add mailbox in Carr's emailing system to store email message and address list, which is an address book, for later process because adding mailbox approach facilitates email process. It is the combination of Carr and Togawa teaches "identifying whether data is an electronic mail (email) message corresponding to a user mailbox or address book data corresponding to the user address book". The Appellant did not provide any argument to disagree the combination.

Examiner's comment --

- For the statement made with regard to Claims 31-42, 44-47 and 49-51 in page 11 of the present Brief, the argument is not related to this appeal because the Appellant did not request review of the set of claims. Although they are not under review, Examiner's maintenance of rejections to Claims 30, 43, and 46 also results his maintenance of rejections to Claims 31-42, 44-47 and 49-51.

- For the statement made with regard to Claims 7-15 and 21-30 in page 11 of the present Brief, it is moot to Claims 7-15 and 21-29 because they are cancelled claims. For Claim 30, the Examiner's response is given above.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided in Appellant's appeal brief filed 4/24/2008.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Wenpeng Chen/

Primary Examiner, Art Unit 2624

7/1/2008

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